THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 14131 of 2007

Date:05-07-2007

Between:

D.John Samuel

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PETITIONER

AND

The Chairman/Executive Director, NTPC,Secunderabad

..

RESPONDENT

ORDER:

The petitioner seeks a writ of mandamus for payment of a sum of Rs.50,00,000/- as punitive and exemplary damages by the respondent.

It is the case of the petitioner that the Chairman/Executive Director, NTPC, Secunderabad has neither followed the Conduct Disciplinary Appeal Rules nor service rules and the action of the respondent is unauthorized and violative of Articles 14, 16, 19, 20 (2), 21, 311(2) of the Constitution of India. It is stated that the petitioner has worked as an engineer in N.T.P.C., Ramagundam and the respondent-management has harassed the petitioner in many ways by issuing controversial memo, dated 10.11.1993 and he was illegally denied promotion from time to time.

It is stated that the writ petition filed by him seeking promotion to E6 cadre is the reason for harassing the petitioner. It is stated that as he was forcibly transferred to Kerala in 1999, he did not join duty and therefore, he was removed from service on 07.08.2000 without any enquiry. It is further stated that he was forcibly evicted from the quarter on 27.04.2002 and questioning the said action, the petitioner has filed writ petition, which was dismissed. It is also stated that the manner of eviction is contrary to several provisions of the Public Premises Act, 1971 and therefore, he is entitled for heavy damages that was caused by evicting him. It is stated that the gold and other movable articles were taken away and he was deprived of his right to information and knowledge.

The perusal of the letter dated 23.02.2007 addressed to the petitioner by the respondent goes to show that all such allegations were already dealt with by this Court in W.P.No.21519 of 2000 which was dismissed, against which a W.A.No.268 of 2003 was filed and the

same was also dismissed. Another W.P.No.5772 of 2006 filed by the petitioner was also dismissed. Insofar as the household articles seized by the N.T.P.C. from the unauthorized occupation of the quarter is concerned, it is stated that the said items were intact, but the petitioner himself has not taken back the same in spite of addressing the letters, dated 20.03.2006, 26.05.2006, 29.01.2007 and 08.02.2007 and instead of collecting the said items, the petitioner has been raising unnecessary and unwarranted issues through various letters only to prolong the litigation in spite of dismissal of the cases including C.M.A.No.47 of 2002 on the file of the District Court, Karimnagar. It is stated that the petitioner already approached the Human Rights Commission in ROC No.3155 of 2005 wherein the petitioner was directed to go and collect the articles seized by the N.T.P.C., but the petitioner has not collected the items belonging to him.

In view of the facts and circumstances of the case, I am of the opinion that there is no basis for seeking a writ of mandamus in view of the disputed questions of fact raised, more so, the question of claiming damages from the respondent in a writ petition does not arise.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:05.07.2007
ccm